

Remarks

As stated above, Applicants appreciate the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the following remarks.

As of the subject action, claims 1, 7, 8, 10, 12, 16, and 18-31 are pending, of which claims 1 and 28 are independent claims, and claims 7, 8, 10, 12, 16, 18-27, and 29-31 are dependent. With this response, Applicants have amended claims 1 and 28. Applicants respectfully submit that no new matter is believed to have been added.

Claim Rejections – 35 U.S.C. § 101

Claims 1, 7, 8, 10, 12, 16, and 18-27 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. More specifically, the Examiner has rejected claim 1 because, as the Applicants understand, the Examiner believes the method of claim 1 is not (1) tied to another statutory class (such as a particular machine or apparatus) *or* does not (2) transform the underlying subject matter (such as an article or materials) into a different state or thing. Applicants respectfully traverse this rejection.

Applicants respectfully submit that Applicants' amended independent claim 1 is tied to at least three particular apparatuses. Applicants' amended independent claim 1 is provided below for the Examiner's convenience:

1. (Currently Amended) A method of facilitating enterprise change comprising:

generating, via an architecture designed to a platform, a single logical information system across two or more enterprise base system servers connected to at least one database through base system connectors to execute pre-change due diligence and post-change integration of the enterprise change, wherein the enterprise change is at least one of a merger and acquisition;

identifying a synergy via the single logical information system;

conducting the synergy via a graphical user interface;

creating at least one comparison of the synergy against a synergy target for the synergy by measuring the synergy against the synergy target;

capturing a history of the enterprise change; and

applying the history to at least one subsequent enterprise change to achieve a subsequent synergy in the at least one subsequent enterprise change.

As indicated, Applicants' amended claim 1 includes, for example, an architecture designed to a platform. Applicants' amended claim 1 also includes at least two enterprise base system servers, and base system connectors. Support for Applicants' amendment to claim 1 may be found throughout the subject application, and, for example, in paragraphs [0006], [0035], [0043], [0055], and [0056], and in Figures 3 and 4B of the specification. Paragraphs [0006], [0035], [0043], [0055], and [0056] and Figures 3 and 4B of the specification, as published, are provided below for the Examiner's convenience:

[0006] In another aspect, the invention features a method including generating a single logical physically distributed information system across one or more information systems of at least two enterprises, wherein the enterprises can be being combined, and providing a user interface to access the single logical physically distributed information system, the single logical physically distributed information system executing one or more pre-merger activities, merger activities, and post-merger activities, the merger activities including a synergy realization. (*See* the subject application, as published, paragraph [0006].)

[0035] As shown in FIG. 3, the restructuring integration process 100, common restructuring business processes modules 200, application logic 300, and core framework of services 400 are designed to conform to an architecture 500 designed to a platform 600 that represents a single logical physically distributed information system representing multiple enterprise information systems of organizations. The architecture 500/platform 600 insure consistency of data exchange between system 10 and source systems 30, 32, and a separation of source systems 30, 32, when appropriate during phases of the restructuring integration process 100. (*See* the subject application, as published, paragraph [0035].)

[0043] The portal 506, enterprise management system 512 and enterprise base systems 516 can reside on one or more programmable machines, which communicate over the network 504 or one or more communication busses. In embodiments, the

base systems 516 reside in multiple servers connected to the network 504, and the portal 506 and enterprise management system 512 reside in a server connected to a public network (not shown). Thus, the architecture 500 can include customized, web-based, cross-functional applications, and a user can access and manage enterprise programs and resources using these customized web-based, cross-functional applications from anywhere that access to the public network is available. (See the subject application, as published, paragraph [0043].)

[0055] In embodiments, the databases and repositories in the persistence/repository layer 610 interact with the source systems 614 through base system connectors 615 using a markup language such as extensible markup language (XML), web services such as Simple Object Access Protocol (SOAP), request for comments (RPC), or Transmission Control Protocol/Internet Protocol (TCP/IP). The source systems of one organization can interact with the source systems of another organization through a firewall 617. (See the subject application, as published, paragraph [0055].)

[0056] The base system connectors 615 can include a enterprise connector (BC) interface, Internet communication manager/Internet communications framework (ICM/ICF), an encapsulated postscript (EPS) interface and/or other interfaces that provide remote function call (RFC) capability. (See the subject application, as published, paragraph [0056].)

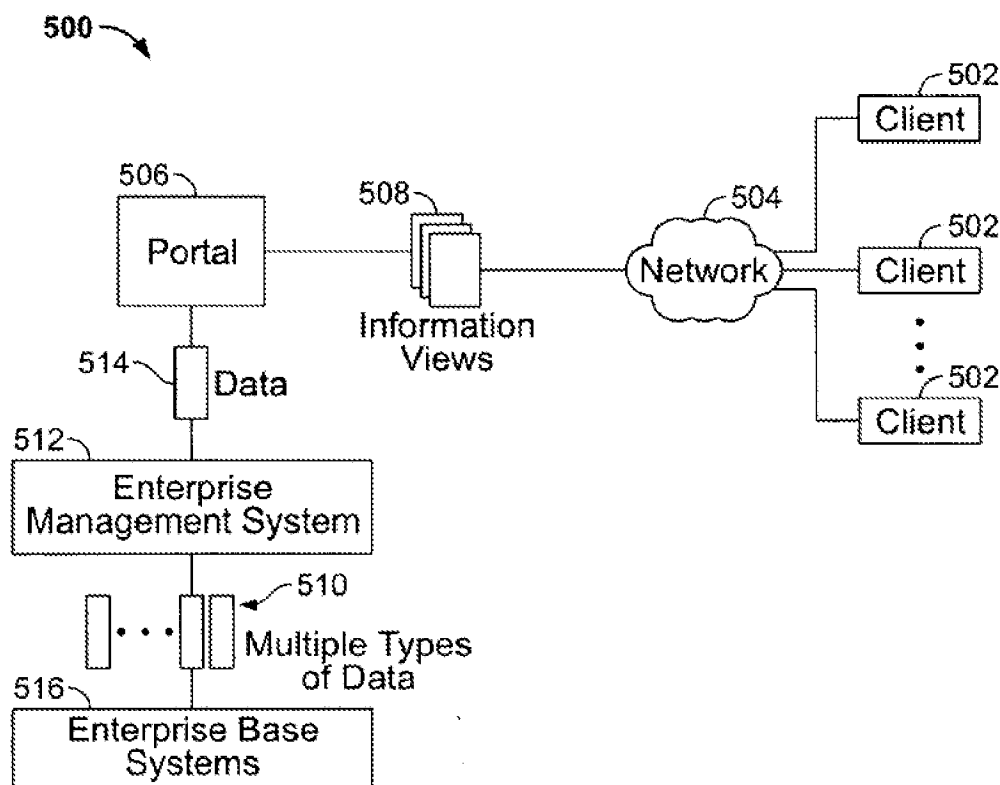


FIG. 3

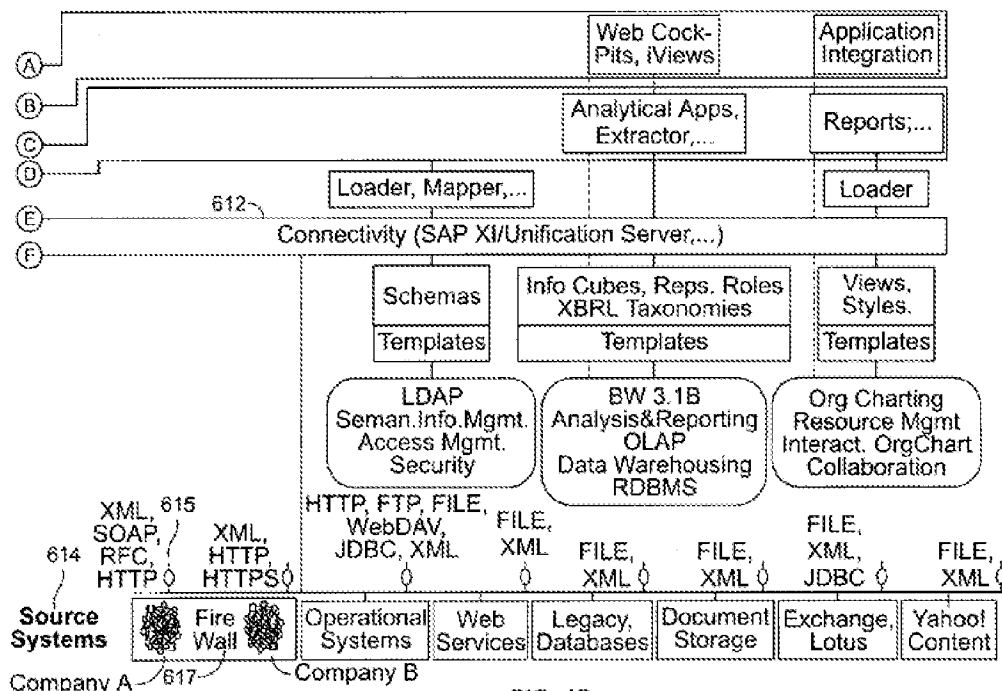


FIG. 4B

As shown above, Applicants' paragraph [0035] and Figure 3 include "an architecture 500 designed to a platform 600 that represents a single logical physically distributed information system representing multiple enterprise information systems of organizations." See the subject application, paragraph [0035]. Applicants' respectfully submit that Applicants' architecture designed a platform is a particular apparatus. Further, Applicants' paragraph [0043] and Figure 3 include enterprise base systems which reside in servers. Applicants respectfully submit that Applicants' enterprise base system servers are particular apparatuses. Also, Applicants' paragraph [0055] and Figure 4B show base system connectors interacting with databases. Applicants' respectfully submit that Applicants' base system connectors are particular apparatuses. Therefore, Applicants respectfully submit that Applicants' claim 1 is tied to at least three particular apparatuses.

Applicants respectfully submit that since Applicants' amended claim 1 is tied to at least three particular apparatuses (e.g., an architecture, at least two enterprise base systems, and at least one base system connector), amended claim 1 is directed towards statutory subject matter. Since claims 7, 8, 10, 12, 16, and 18-27 depend from amended claim 1, Applicants respectfully submit that those claims are also directed towards statutory subject matter. Therefore withdrawal of the rejection to claims 1, 7, 8, 10, 12, 16, and 18-27 under 35 U.S.C. § 101 is respectfully requested.

Claim Rejections – 35 U.S.C. § 112

Claims 1 and 28 stand rejected under 35 U.S.C. § 112 for failing to comply with the enablement requirement. More specifically, the Examiner has rejected claims 1 and 28 because, as the Applicants understand, the Examiner believes those claims contain subject matter "which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention". See the subject action, pages 3-4. In particular, the examiner has rejected the limitation "treating two or more information systems as a single logical information system to execute pre-change due diligence" because the Examiner is "unclear on how the motion of 'treating' something enables that thing to execute anything". See the subject action, pages 4. Applicants respectfully traverse this rejection.

As requested by the Examiner, and as shown above, Applicants have amended claim 1 to "elucidate on how this limitation "affect[s] the end structure of whatever system the process is necessarily/statutorily tied to and furthermore, how said executing is enabled thereof". See the subject action, pages 4. For example, Applicants' amended claim 1 now

includes the limitation **"generating, via an architecture designed to a platform, a single logical information system across two or more enterprise base system servers connected to at least one database through base system connectors** to execute pre-change due diligence and post-change integration of the enterprise change, wherein the enterprise change is at least one of a merger and acquisition". *See* the subject application, claim 1, as amended; emphasis added. Applicants respectfully submit that at least paragraphs [0006] and [0035], for example, describe the subject matter claimed in claim 1 "in such a way as to *enable* one skilled in the art". *See* the subject action, page 4; emphasis added. Further, Applicants have amended claim 28 to include similar limitations to that of amended claim 1, and respectfully submit that at least paragraphs [0006] and [0035], for example, describe the subject matter claimed in claim 28 "in such a way as to *enable* one skilled in the art" as well. Therefore, withdrawal of the rejection to claims 1 and 28 under 35 U.S.C. § 112 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 7, 10, 16, 18-25, and 28-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0018510 (hereinafter "Sanches") in view of U.S. Patent No. 7,069,192 (hereinafter "Freitag"). Applicants respectfully traverse this rejection.

Applicants respectfully submit that Sanches and Freitag, whether viewed individually, or in combination, do not appear to disclose each and every limitation of Applicants' newly amended independent claim 1. For example, Sanches does not appear to disclose the limitations of: (i) "generating, via an architecture designed to a platform, a single logical information system across two or more enterprise base system servers [,]" (ii) "two or more

enterprise base system servers connected to at least one database through base system connectors" and (iii) "identifying a synergy via the single logical information system" as recited in Applicants' amended claim 1.

First the Examiner appears to believe that Sanches discloses the limitation "treating two or more information systems as a single logical information system to execute pre-change due diligence and post-change integration of the enterprise change, wherein the enterprise change is at least one of a merger and acquisition" in paragraph [0062] of Sanches. *See* the subject action, pages 4-5. Applicants have amended this limitation to include "generating, via an architecture designed to a platform, a single logical information system across two or more enterprise base system servers [,]" and "two or more enterprise base system servers connected to at least one database through base system connectors". *See* Applicants' claim 1, as amended. Applicants respectfully submit that paragraph [0062] of Sanches does not disclose these limitations of claim 1, as amended. Paragraph [0062] of Sanches is provided below for the Examiner's convenience:

[0062] One exemplary use of MECA is the integration of mergers and acquisitions. MECA is the ideal platform for enabling multiple teams to work simultaneously on the multiple objectives. (*See* Sanches, as published, paragraph [0062].)

Applicants are unable to see where in paragraph [0062] Sanches discloses either of the limitations "generating, via an architecture designed to a platform, a single logical information system across two or more enterprise base system servers [,]" or "two or more enterprise base system servers connected to at least one database through base system connectors". Further, Applicants are unable to see how "one exemplary use" of anything discloses the hardware (e.g., the hardware discussed with respect to the 35 U.S.C. § 101

rejection) in either of these limitations. Therefore, Applicants respectfully submit that Sanches does not disclose either of these limitations.

Second, Applicants have amended claim 1 to include the limitation "identifying a synergy via the single logical information system" and respectfully submit that Sanches does not disclose this limitation. Support for Applicants' amendment to claim 1 may be found throughout the subject application, and for example, in paragraphs [0029, [0108], and Figure 18. Paragraphs [0029, [0108], and Figure 18 of the subject application, as published, are provided below for the Examiner's convenience:

[0029] The system 10 includes a link to a network 28. Network 28 links the system 10 to other systems 30 within a single entity and to systems 32 in one or more other entities. Systems 30, 32, generally referred to as clients or source systems, access data through a portal 34. **Systems 10, 30, 32 are designed to act as a single logical physically distributed information system representing multiple enterprise information systems of organizations residing in the systems 30, 32. Information is exchanged between the system 10 and systems 30, 32 through the portal 34 and through user interfaces (UIs) of an architecture, described below.** (See the subject application, as published, paragraph [0029]; emphasis added).

[0108] The user 1142 selects a synergy item 2430, such as supplier consolidation 2439, to access another interface 2500 in FIG. 18 of detailed synergy information. FIG. 18 shows an interface 2500 for a synergy category 2510 and synergy 2439 generated by a stakeholder 2505. The interface 2500 shows an identified value 2507 from a synergy 2510, such as a financial impact 2508 and any related attachments 2515. The identified value 2507 is identified by a stakeholder. The identified value 2507 can show a particular synergy title 2519 and a description summary 2520. The user 1142 can modify the identified value 2507 via button 2521 and generate merger-related initiatives 2530. (See the subject application, as published, paragraph [0108].)

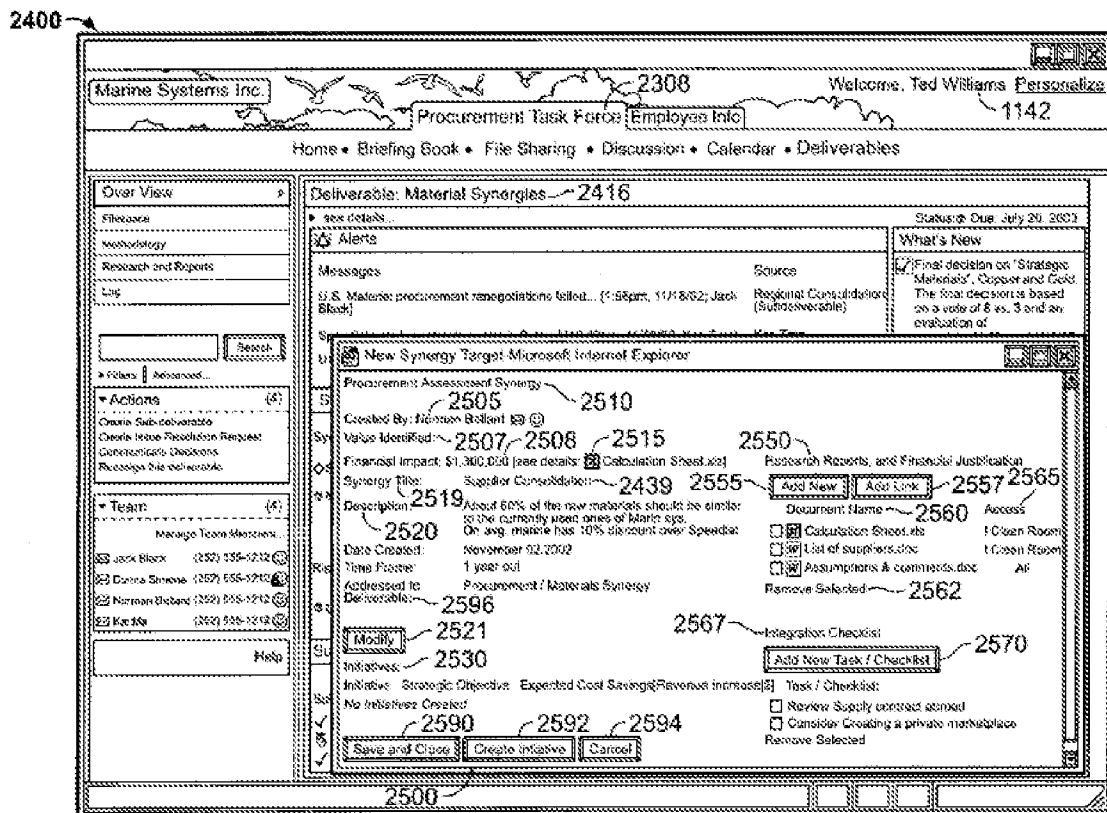


FIG. 18

As shown in the paragraphs and figure above, user interfaces of the subject application such as user interface 2400 may allow information to be exchanged between systems of the single logical information system via the user interfaces. Further, and as shown in the paragraphs and figure above, synergies may be identified via user interface 2400.

Applicants respectfully submit that Sanches does not disclose the limitation "identifying a synergy via the single logical information system" as recited in Applicants' amended claim 1. The Examiner appears to believe that Sanches discloses the limitation "identifying a synergy" at paragraphs [0030] and [0037]. See the subject action, page 5. Paragraphs [0030] and [0037] of Sanches are provided below for the Examiner's convenience:

[0030] The present invention manages the deployment, execution, and tracking of initiatives. "Initiatives" means coordinated non-routine efforts of large number of individuals and entities (up to many thousands or even more), for example, in an extended organization. Examples include, without limitation, regulatory compliance initiative, institution of new policies or practices, retraining projects, product launches, mergers and acquisitions, and large scale integrations. Some of the exemplary common characteristics of such initiatives include: non-routine, large scale, high chaos, communication intensive, transfer of knowledge, exchange of data, assignments of roles, and providing and tracking status. This contrasts with the more routine projects to design, build, develop, implement, engineer, or transport projects or systems. (*See Sanches, as published, paragraph [0030].*)

[0037] As the strategic benefit, MECA maximizes and accelerates returns from strategic initiatives. **In post-merger integration, for example, MECA enables management to achieve more revenue and cost synergy targets, and to achieve them more rapidly, predictably, and completely.** (*See Sanches, as published, paragraph [0037]; emphasis added.*)

Applicants are unable to see where in paragraphs [0030] and [0037] Sanches discloses the limitation "identifying a synergy via the single logical information system". Applicants respectfully submit that Sanches does not disclose a single logical information system as recited in Applicants' amended claim 1. Since Sanches does not disclose a single logical information system, Applicants respectfully submit that Sanches does not disclose "identifying a synergy via the single logical information system". Further, Applicants respectfully submit that disclosure of "MECA enables management to achieve more revenue and cost synergy targets" by Sanches is not the same as "identifying a synergy" as the Examiner asserts in the subject action. *See the subject action, page 5.* For this additional reason, Applicants respectfully submit that Sanches does not disclose "identifying a synergy via the single logical information system" as recited in Applicants' amended claim 1.

Third, Applicants respectfully submit that Freitag discloses neither of the limitations (i) "capturing a history of the enterprise change" or (ii) "applying the history to at least one subsequent enterprise change to achieve a subsequent synergy in the at least one subsequent enterprise change" as the Examiner asserts in the subject action. *See the subject action, pages*

5-6. Freitag appears to disclose a system for improving known CAD (computer-aided design) techniques. *See* Freitag, column 3, lines 11-21. Applicants are unable to understand how the CAD techniques of Freitag have anything to do with Applicants' synergy realization.

For example, it is Applicants' understanding that the Examiner believes Freitag discloses the limitations "capturing a history of the enterprise change" and "applying the history to at least one subsequent enterprise change to achieve a subsequent synergy in the at least one subsequent enterprise change" in column 7, line 34, and Figure 4 of Freitag. Column 7, line 34, and Figure 4 of Freitag, as published, are provided below for the Examiner's convenience:

[0037] Thus, the system during the collaboration session, automatically generates collaboration logs 7 as shown in FIG. 4. (*See* Freitag, as published, column 7, lines 34-35.)

Collaboration Log contains all information required to understand what changes were done by whom for what reason

Fig. 4

<u>Collaboration Log 1</u>	<u>Collaboration Log 2</u>	<u>Collaboration Log 3</u>
7 → Name: Mechanical Designer X	Name: Finite Element Analyst Y	Name: Manufacturing subcontractor Z
Location: Sindelfingen, Europe	Location: Fort Collins, Colorado, US	Location: Kobe, Japan
Date: 12, October 1999	Date: 12, October 1999	Date: 12, October 1999
Time: 9:12am	Time: 9:11am	Time: 9:15am
Computer: 15.143.12.12	Computer: 15.144.128.04	Computer: 22.255.128.22
Description: Changed radius of hole number 2 from 3mm to 5mm	Description: Increased wall thickness of all ribs by 0.5mm in order to meet specification	Description: Draft angle of all ribs changes to 0.5 degrees (from 0.4 degrees)
Operation: Change_hole	Operation: Offset_faces	Operation: Taper faces
Object: hole_id	Object: face_1_id, face_2_id, face_3_id, face_4_id	Object: face_1_id, face_2_id, face_3_id, face_4_id
Value: 3	Value: 0.5mm	Value: 0.5mm
Dependencies: none	Dependencies: Log 3	Dependencies: Log 2
Status: agreed	Status: agreed	Status: agreed

As shown in the Figure above, Freitag's CAD changes are, for example, "[c]hanged radius of hole number 2 from 3mm to 5mm", "[i]ncreased wall thickness of all ribs by 0.5mm in order to meet specification", and "draft angle of all ribs changes to 0.5 degrees (from 0.4 degrees). Applicants respectfully submit that Freitag's CAD changes, as shown in Figure 4 have nothing to do with the "capturing a history of the enterprise change" or "applying the history to at least one subsequent enterprise change to achieve a subsequent synergy in the at least one subsequent enterprise change" limitations of Applicant's claim 1. Further, Applicants respectfully submit that CAD changes and enterprise changes are not similar. Even if CAD changes and enterprise changes were similar, which Applicants respectfully submit they are not, Applicants are unable to see how Freitag could disclose "applying the history to at least one subsequent enterprise change to achieve a subsequent synergy in the at least one subsequent enterprise change" with the CAD changes shown in Figure 4. Therefore, Applicants respectfully submit that Freitag does not disclose the "capturing a history of the enterprise change" or "applying the history to at least one subsequent enterprise change to achieve a subsequent synergy in the at least one subsequent enterprise change" limitations of Applicants' claim 1.

Since Sanches and Freitag, whether viewed individually or in combination, disclose none of the following limitations: (i) "generating, via an architecture designed to a platform, a single logical information system across two or more enterprise base system servers [,]" (ii) "two or more enterprise base system servers connected to at least one database through base system connectors[,]" (iii) "identifying a synergy via the single logical information system[,]" (iv) "capturing a history of the enterprise change[,]" or (v) "applying the history to at least one subsequent enterprise change to achieve a subsequent synergy in the at least one

subsequent enterprise change[,]" Applicants respectfully submit that Sanches and Freitag do not disclose each and every limitation of Applicants' independent claim 1. As such, Applicants respectfully submit that newly amended independent claim 1 is in condition for allowance. Since Applicants have amended claim 28 to include similar limitations to that of claim 1, Applicants respectfully submit that amended claim 28 is in condition for allowance as well. Also, since claims 7, 8, 10, 12, 16, 18-27, and 29-31, depend, either directly or indirectly, from Applicants' newly amended independent claim 1 or 28, Applicants respectfully submit that those claims are in condition for allowance as well. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1, 7, 8, 10, 12, 16, 18-27, and 29-31 under 35 U.S.C. § 103.

Having overcome all of the outstanding rejections, Applicants respectfully submit that the subject application is now in condition for allowance. Applicants believe that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In light of the above-described remarks, Applicants respectfully assert that the subject application is in condition for allowance. While Applicants respectfully assert that the subject application is now in condition for allowance, the Examiner is invited to telephone Applicants' attorney (617-305-2143) to facilitate prosecution of this application. Please apply any charges or credits to deposit account 50-2324.

Respectfully submitted,

Dated: 07 July 2009

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